Liberation is Only for Those Already Free: Reflections on Debts to Slavery and Enslavement to Debt in an Early Indian Buddhist Monasticism

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In almost any given culture, at any given time, both the conceptions and realities of slavery and debt appear to be impossibly, hopelessly complex, and not only terribly tangled up with each other, but also with economics and law. In this regard at least the inclusion of India in any discussion of these topics would appear to be not just appropriate, but unavoidably necessary. For the modern period—or are we now in the post-modern?—one source has said, for example, that "roughly two-thirds of the world's captive laborers—15 to 20 million people—are debt slaves in India, Pakistan, Bangladesh, and Nepal." There is, moreover, no reason to think that this situation has anything to do with colonialism or modernity, apart—ironically—from the increased reliability of the figures. Indeed, debt-slavery appears to have a very long history in South Asia. What records we have for pre-modern India indicate its prevalence and practice. 17th and 18th century documents from Maharashtra and Mithila, for example, refer to it, to "children disposed of by their impoverished parents, wives sold off by their husbands, ...those who had become slaves of their creditors for a certain number of years or for life." Much earlier, the *Nāradasmṛti*, "the only original collection of [Indian] legal maxims (*mūlasmṛti*) which is purely juridical in character," and which is probably not later than the 4th or 5th century, gives both "one who has pledged by his master" and "one freed from a large debt" as types of slaves (*dāsa*), and by far the longest chapter in the *Nāradasmṛti* is devoted to

the law of debt. Earlier still—and as we will see—the issues of debt and slavery play a key role in the ordination of monks and nuns in all the Buddhist monastic Codes that we know.

Even these few examples, then, would seem to suggest that India may be able to tell us some important things about debt and slavery as global phenomena and human constructs. But it might be able also to tell us something more specific about the relationship of religion to the realities and conceptions of slavery and debt. India, after all, is supposed to be somehow more religious than other countries or cultures. Mark Twain, famously for example, said "In religion all other countries are paupers. India is the only millionaire." But he also said, less famously, "With them [i.e. Indians], all life seems to be sacred, except human life...India is a hard country to understand." Part of Mr. Twain's conundrum, however, and perhaps a large part, may also be ours. He may have simply expected too much of religion, may have over-estimated its reach and importance, and so might we. We too may not really want to believe or accept the fact (?) that when it comes to money and property—"the things that are Caesar's"—Caesar rules and God is out of the picture. We may not want to admit that religion was not, and is not, as important as we think. This may be an occupational hazard.

Not so very long the Belgian medievalist Ludo Milis published a book entitled *Angelic Monks and Earthy Men*, not without some blowback—a fellow medievalist in his own book on the influence of Cluniac monasticism called it an "essai quelque peu iconoclaste" (which must be like being *a little bit* pregnant), and declared in a footnote "Needless to say I do not share Milis's view." Milis's offence, if offence it was, was simply to suggest that we "do not sufficiently take into account the extent to which the overwhelmingly monastic origin of primary sources can lead us to overemphasize the impact of monasticism...." In other words, since the great bulk of sources available to medievalists—Milis puts the number at "from 65% to 98% of the written

information"—are monastic sources, with monastic agendas, many of which are self-promotional, monasticism may well not have been as important as it might seem. At the very least this might serve as a cautionary tale—for medievalist, to be sure, but also for students of religion as a whole, for Indologists and Buddhist scholars.

Since, not surprisingly, scholars of religion use primarily religious, and devote themselves to their explication, would it be surprising if they overestimated the important of religion in the lives and worlds of people who might never have known those sources and did not have the same focus or share their interest? Should it be a surprise that pre-modern India appears to be particularly religious when one notes that—as for medieval Europe—the great bulk of the sources that have survived are overtly religious? Buddhist scholars, because too often they tend to use only Buddhist sources, and to get lost in them, have almost certainly overestimated the importance of Buddhism in, for example, India. If one were to judge from Indian legal literature—again for example, one might almost begin to think that there was no Buddhism there at all: even to find a clear reference to Buddhism in Indian legal texts has proven to be very difficult indeed, whereas at almost any turn Buddhist monastic sources repeatedly reveal a clear and acute awareness of Indian legal norms and requirements, and that it is these norms that establish the conditions under which Buddhist monasticism must operate. To judge by Indian secular literature, particularly Sanskrit drama, the courtly or governing class, the wealthy and social elite, would have seen—not over often—Buddhist monks and nuns presented on the stage as buffoons, rakes and shady go-betweens, their stock characters in Indian theater. And in spite of Buddhist and brahmanical fawning and fantasies about their ideal kings, it seems very likely that actual kings and courts even in supposed hyper-religious India, were engaged—as the lonely but loud voice of the *Arthaśāstra* would

suggest—in very real Realpolitiks. They were the ones who enforced the law and gave it teeth, and it would, again, be no surprise if monastic authors were very careful when their rules butted up against concerns of king and court like property and wealth, and that it seems is where the issues of debt and slavery most often fell.

It would, of course, be simply silly here to even try to survey the relationships between slavery, debt, and religion over the course of the whole of even early and classical Indian history—the sources are too many, too scattered, too badly known, and the problems—above all lexical—too complex and seemingly intractable. But there is also the curious modern mindset that is disinclined to see our mortgages as a near cousin of debt-slavery, and approves of paying debts and insisting that others do so as well, while at the same time disapproving of slavery or pretending it does not exist, pretending that those locked in poverty are free men or women. These will not be topics that are easy to discuss.

It is also not even possible to discuss the relationships between slavery, debt, and Indian Buddhism, since the latter does not exist and never did. There were Indian Buddhisms, one might suppose, and there are Indian Buddhist sources, but they do not speak with the same voice, nor do they necessarily or often say the same thing on any given topic, whether that be salvation or slavery. The most that can be done here that might be useful, or at least provide fodder for discussion, would be to allow one Buddhist voice to speak that on occasion spoke directly to these issues, to provide examples of how this one voice framed and formed those issues in both narrative and rule. All the examples that will be cited here will come from a single Buddhist monastic Code called the *Mūlasarvāstivāda-vinaya* or literature closely related to it. This Code was written in Sanskrit and survives in part in Sanskrit, but wholly only in a close and—where this can be tested—a remarkably faithful Tibetan translation. It appears to

have been redacted somewhere around the late 2nd century of the Common Era, and thereafter to have circulated widely in North India where it might have become something like the standard *Vinaya* in the medieval period. It was the only Buddhist monastic Code to be translated into Tibetan where it—and handbooks based on it—were and remained the standard authority for monastic rules and rituals. And it is enormous—something like eight thousand of our pages—much of it made up of narrative texts, many of which appear to have been spun off into separate *Sūtras* or collections exempla. These sources are, then, quite obviously monastic sources, written by monks for monks. In fact in our Buddhist case it is clear that these texts were intended as strictly internal documents for internal consumption. They were not supposed to have been written down or circulate publically—and for a time they might now have been. Laymen were to be excluded from their recitation or reading. Herein may lay their peculiar value: they may reveal backstage—dare we say "real"—values and norms.

Occasionally here too other surviving Buddhist monastic Codes will be referred to in order to gauge, in at least a limited way, how widely what our *Vinaya* of choice says was shared with other Buddhist Codes. Even more importantly for our purposes, perhaps, several forms of Christian monasticism and their rules or regulations will be cited or referred to, especially in regard to issues of slavery, to see again if what we have in the *Mūlasarvāstivāda-vinaya* is in any way unique to it, to see in other words whether Buddhist doctrine produced these specific rules or had any influence on them. We might start with two stories, one about slavery, and one about debt.

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Our first story comes from the long but still incomplete biography of the Buddha found in our Code, and is connected to an event that has come to be called "the First Meditation": an

account of how the Buddha as a boy or young man went out with his father to watch his fields plowed by what we will see was slave labor.

> The Bodhisattva [i.e. the Prince Sarvārthasiddha who was not yet the Buddha] set out until he saw plowmen (*kārṣaka*), their hair disheveled, their hands and feet cracked, their limbs covered with dirt, and oxen, their bodies wounded by goads, their backs and rumps splattered with blood, panting from hunger and thirst and exhaustion, their senses constricted by constantly gasping, pus and blood running from wounds caused by the rubbing and chafing of the yokes...and having seen that, moreover, he, being greatly disturbed on account of a compassion which was produced from a mass of merit from a beginningless time, said to the plowmen: "Sirs, to whom do you belong (*bhavantaḥ kasya yūyam*)?"
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> They said: "To the Lord (*devasya*—i.e. the king)."
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> He said: "Go, sirs! You, from this day forward are not slaves, not menials, not those in servitude, free to go as you wish. You must dwell in ease (*gacchata bhavanto yūyam adyāgreṇādāsā apreṣyābhujiṣyā yenakāmayamā sukhasparśaṃ viharata*)!"
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> And to the oxen he said: "Go! You also from this day forward must eat unmowed excellent grass that has not been trampled! You must drink pristine waters that are not turbid! And cool breezes blow in the four directions!

This little scene enshrined in a monastic biography of the Buddha seems full of promise, and almost certainly would appeal to a modern reader with modern sensibilities. But even then a modern reader would have to be careful not to read the text too closely, and be deft enough to avoid the narrative fact that here human beings and domestic animals were placed on the same footing, were addressed in the same way, and were subject to the same

action because, it seems, both were the same sort of property and were owned in exactly the same sort of way. Our modern reader would have to be particularly deft to avoid the immovable fact that one could free a slave or a domestic animal only if he or she actually owned it, and only if that ownership was culturally recognized as valid. Indeed, one would have to be not only particularly deft, but probably at least a bit culturally daft to see the young man's action simply as an act of compassion, and not a profoundly legal action tightly tangled up with the concepts of property and legal agency. In fact a pre-modern Indian reader would almost just as certainly have had a very different reaction to our text.

At first sight our little text would probably not have appealed to the sensibilities of an early or medieval monastic reader, and may well have offended them. Or, perhaps, he would have seen it as describing a kind of rhetorical gesture on the part of the young man: he might have said what he was said to have, but his declaration would have had no actual, or legal, effect. Whereas, again, a modern reader might have fixed on the compassionate character of the act, it is equally likely that an early Indian reader—although he might well have noticed this since it was explicitly flagged in the account—would have seen the same act as first of all the alienation of personal property, and would have been struck by the dubious legal character of what was being described. Unlike a modern reader of these texts, our early Indian reader—as is repeatedly indicated in these same sources—would have been familiar with at least the fundamental principles of Indian law, and he would have noticed that the prince—however compassionate—was a minor whose father was still living. He was, then, was Indian law classified as a "dependent," or more literally "one who is not independent" (*asvatantra*), and therefore any act undertaken by him was "invalid" (*akṛta*—literally "not done"). This is most

clearly expressed for example, in the *Nāradasmṛti*, and Indian legal text that might not have been far removed from the Buddhist account of the Buddha as a young prince:

> Those who know the teachings of the śāstra say that anything done by a minor or by one who is not independent is invalid (*yad bālaḥ kurute kāryam asvatantras tathaiva ca / akṛtaṃ tad iti prāhuḥ śāstre śāstravido janāḥ*).

Since, as already noted, there is ample evidence indicating that the compilers of the monastic Code in which the Buddhist account occurs knew—and expected their readers to know—"the teachings of the *śāstra*" (i.e. the law), this complicates any and all readings of the account, early or late, and points to a consideration that perhaps most modern readers either do not know or are not eager to admit: acts involving the alienation of property, even—perhaps especially—religious acts of this kind, are constrained and subject to law, whatever that might be at a given time or place. Religion here—even individual choice—would appear to be impotent in the face of law, and in this Buddhist narrative world even the Buddha himself could not escape it.

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One second story comes from a collection of one hundred exempla addressed to monks entitled the *Avadānaśataka*. The *Avadānaśataka* is commonly taken to be the earliest collection of this type of Buddhist story, and is still often assigned to the 2nd century CE, although its actual date is unclear. What is clear, however, is that it is closely related to the *Mūlasarvāstivāda-vinaya*. A significant number of its stories, for example, appear to have been taken word-for-word from the monastic Code. The story is a tale about debt, the obligation to pay, and the very, very long arm of the law.

The Buddha, the Blessed One...together with a Community of disciples, was staying in Śrāvastī, in the Jetavana monastery, in the Park of Anāthapiṇḍada. Having dressed early in the morning, and taken his bowl and robe, he entered Śrāvastī for alms. In time arriving at the main street he entered, and there on mainstreet a brahmin approached. He saw the Buddha, the Blessed One, fully ornamented with the thirty-two marks if a great man, his limbs brilliant with the eighty minor marks, adorned with an aureole of a full fathom, an aureole that surpassed a thousand suns—like a moving mountain of jewels, entirely beautiful.

When that brahmin had seen him, and had regarded him for a long time, having drawn a line on the ground, he said to the Blessed One: "Ho, Gautama! This line must not be crossed by you so long as you have not given me the sum of five hundred purāṇas!"

The Blessed One, then, for the sake of demonstrating the imperishability of the consequences of one's actions, for the sake of the abstention from theft, remained motionless like a threshold slab.

Although an early Indian reader would probably have quickly recognized what was going on here—and would have been deeply disturbed, at least initially—the narrative will require some unpacking for a modern, and a few points might be teased out. First one might note that the description of the Buddha here is a stenciled phrase that occurs scores of times in our monastic Code and its related literature, and its commonality has important consequences: to describe the Buddha as "like a moving mountain of jewels" is to express religious value in terms of wealth, and made it difficult for actual images of him—if they were to be in accord with such descriptions—not to be made of precious substances or encrusted or ornamented

with jewels. This in turn would have required that the monastic Community have, or have access to, surplus wealth that could be used for such purposed. Then there is the fact that the early Indian reader, having repeatedly seen this stenciled description, would have known that the narrative reaction of those who saw the Buddha so described was almost always awe—they were, at the least, deeply moved. But here the Indian reader's expectations would have been badly jolted because nothing of that sort happens. Indeed, the brahmin who sees the Buddha is not moved at all, but examines him coldly and addresses him with an interjection (*bho!*) commonly used to subordinates, and by his given name. More surprisingly still, he employs in regard to the Buddha what the Indian reader would almost certainly have known was a device used "to recover a debt and constrain a debtor to pay." The brahmin does to the Buddha essentially what, for example, a creditor does to a gambler who owes him money in the secular Sanskrit play entitled *The Little Clay Cart*, and what Al Idrisi (11th century), Marco Polo (13th century) and a 16th century traveler all reported creditors in India did to all sorts of debtors: he drew a line around him beyond which he could not go until he paid the debt he owed. This debt, it turns out, was taken on by the Buddha long, long ago when in a previous life as a prince he acted as a surety (*pratibhū*, *gnya byas pa*) for the gambling debt of a friend, but then—because he thought himself powerful—he refused to pay. Debt and the laws of debt here persist over very long periods of time, and are unaffected by religious status: everyone, including the Buddha, is subject to them. The religiously free are still economically and legally bound. The reach of what would have been from the Buddhist point of view Indian secular law is unmistakable in both the detail and language of our text, moreover, the debt in question here was strictly speaking not the Buddha's, but his friend's. The Buddha was subject to confinement by the creditor's line not because he had contracted the debt, but because he had

acted as the *pratibhū* or surety for it. *Pratibhū* is, of course, not in any way a Buddhist word, but a technical term in the law of debt in ancient India, and in a standard study with this same title H.C. Sastri devotes more than sixty pages to its explication.

Notice too that narratively the confinement of the Buddha for non-payment of debt or breach of suretyship was a very public event: it took place in full public view, in the middle of mainstreet, and the text emphasizes this, saying in effect that it became the talk of the town (*eṣa ca śabdaḥ śrāvastyāṃ samantato visṛtaḥ*). As a consequence first the king, then a series of prominent laymen, then a list of pan-Indian gods declare their desire to pay off the debt, but the Buddha declines their offer. Only when his devout lay follower Anāthapiṇḍada offers does he accept, and this because, we are told, Anāthapiṇḍada was, in a former life, the very friend who had originally contracted the debt for which the Buddha as the prince had acted as the *pratibhū*. This text—like almost all the tales in the *Avadānaśataka*—is explicitly addressed to monks and ends with the formula for all such exempla: "In this way, monks, you must train! (*evaṃ vo bhikṣavaḥ śikṣitavyam*)." We have here, then, a Buddhist exemplum inculcating thoroughly and identifiably 'secular' legal values: the repayment of debt and meeting the obligations of suretyship. And there is one final detail here that points again to the dominance of secular values.

The author or redactor of our little text seems to want to salvage something of the Buddha's stature, seems to want to suggest that in addition to the force of law the Buddha remained motionless—i.e. lost his freedom of movement—of his own free will and for his own purposes: "for the sake of demonstrating the consequences of one's own actions (*karma*), for the sake of (inculcating) the abstention of theft (*adattādāna*)." In the second of these motives attributed to the Buddha, however, non-payment of debt or breach of suretyship is equated

with, or an implied species of, theft. Theft (*adattādāna*), moreover, is taken very seriously in all Buddhist monastic literature: in all Buddhist monastic *Codes* that we have, for example, the commission of theft is the second of the four most serious monastic offenses which result in the immediate and virtually permanent loss of the status of a monk. But even—or especially—here theft is defined solely and strictly in legal terms. In all Buddhist versions of this rule theft is defined as that which the king or a king's minister (i.e. the state) defines or declares to be theft. Here the religious rule does not, and almost certainly could not, rewrite or overrule secular law, nor could it operate without a prior conception of ownership. Indeed, in the Buddhist origin tale of theft theft follows directly from, and almost immediately after, the moment when humans for the first time "have fields measured out, have boundaries fixed, and have covenants (*maryādā*) established, saying 'this is yours; this is mine.'" The term *maryādā*, translated here as "covenant," could also be rendered as "contract," and again according to the Buddhist origin tale, this was "the first appearance in the world of purposeful activity in regard to covenants (or contracts)." The enlightenment of the Buddha, then, did not, could not, abrogate such contracts—in fact the success or survival of the groups that claimed him as their founder depended on them—and it could not as a consequence abrogate slavery or debt.

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Our two texts reveal many of the characteristics of Buddhist narrative literature and monastic exempla, as well as the kinds of problems that can be encountered in dealing with them. But in addition to narratives of these types we also have texts which more straightforwardly deliver monastic rules, and for examples of them we might reverse our order and start with debt. In doing so we must, however, begin with some broader considerations.

Debt and concepts of debt play a prominent role in a variety of non-buddhist Indian textual sources, and are, for example, central to brahmanical anthropology. Several scholars, like Malamoud and Olivelle, have in fact used the expression "the theology of debt" to describe the brahmanical view of the nature of (brahmanical) man. The first of these says that "the *Brāhmaṇas*," a category of Vedic literature, "present a theory of debt as constitutive of human nature," and he calls this "congenital debt." And both of them cite *Taittirīya saṃhitā* 6.3.10.5: "In being born, the brahmin is born burdened with three debts: (a debt) of Vedic study to the *ṛṣis*, of sacrifice to the gods, and of offspring to the fathers. He is free from debt who has a son, who offers sacrifices, and who leads the life of a brahmin student." How potent this understanding may have been in the world that the redactors of our *Code* moved in might be judged from the fact that each of its elements would be reinterpreted in Buddhist terms there, and even more specifically by the fact that a son, at his birth, is repeatedly said to be in a stenciled phrase in our *Code* a "remover of debt" (*ṛṇahara*)—our redactors, moreover, give this a particularly monastic, and almost certainly intentionally ironic twist when they describe the son not only as the remover of his father's anthropological debt, but also as—as every father might appreciate—the "remover of his real wealth" as well (*dhanahara*).

It is not, however, just 'religious' or "congenital debt" that preoccupied Indian sources. Indian legal literature also had a great deal to say about actual financial debt. The very large space given over to issues of financial debt in the *Nāradasmṛti* has already been mentioned, but Indian preoccupation with such debt is far broader. Everywhere it seems "in the dharma śāstra law ṛṇadānam [debt and deposits] is the first title of dispute. Even in the medieval texts ... it not only continues to be on the top of the lists of titles of dispute but also witnesses a significant expansion," and Sastri's study of almost four hundred pages—also already referred

to—gives a very good idea of the seriousness with which the issue of debt was treated, and the complexity and sophistication of the resultant law that also seems to have made an impression on the redactors of our Buddhist monastic *Code*.

Our *Code* shows both Buddhist monks and Buddhist nuns tangled up with financial debt in a rich (pun at least partially intended) variety of ways. Monks in our *Code* borrow money from lay men or merchants for no stated purpose, for themselves or their parents, or for the sake of the Community. And in none of these cases does such activity receive even a hint of negative comment. It is presented as perfectly normal and in no way counter to monastic rule. In fact it becomes a matter of rule only in cases of non-payment or when a monk dies in debt. Typical of such texts is the following:

> A monk took out a large loan from a merchant, but when the merchant called in the loan, because that monk thought to himself "I am not going to repay him," and then felt regret, the Blessed One said: "The offense here is not one of the four most serious (*pārājika*), but it is a gross offense!"

Here borrowing money by a monk is not an offense, but the mere thought of not repaying it is, and actual non-payment was, presumably, a *pārājika* as the exemplum from the *Avadānaśataka* cited above suggests. Debt, an eminently worldly matter and an issue of property law was—and presumably had to be—taken very seriously too by religious renouncers. They might in doctrine deny the existence of a permanent self, but they upheld the validity of a secular contract.

This same concern for debt in our *Code* is also readily apparent in its very sophisticated inheritance law, as has already been shown elsewhere. There is found in it a whole series of texts in which a monk borrows money, but dies without repaying it. Although none of these

texts even mentions a morality of debt, each one treats a point of law, and is clearly intended to protect the personal assets of the deceased's fellow-monks or the Community's assets. In one text, for example, when a monk who has borrowed money dies without repaying it his creditor goes to the monastery and demands payment from the monks. The monks try to put him off, but since they have performed the dead monk's funeral, and inherited his estate, they are, by the provisions of Indian law, also liable for his debts, and the Buddha explicitly confirms this when he says: "That householder, monks, speaks properly, and the monks must repay the money that was borrowed from him!" The Buddha then orders that this must be done by liquidating by sale the dead monk's estate. In another of these texts, one which immediately follows the first, the Buddha rules on a case where the deceased monk's estate was, when liquidated, not sufficient to cover the debt, and puts in place a provision which protects the Community and the deceased's fellow-monks: he orders that "you must not repay him from what belongs to the Community or another individual monk!," and determines that "mediators of good family must be called in." In a third text, however, when the loan was taken out by a monastic officer, with the consent of all the senior monks, the Community *must* repay it.

But Buddhist monks in our *Code* do not only incur financial debt, they and its nuns also capitalize on it, in several senses of the term. Loan contracts or promissory notes in our *Code* were negotiable, that is to say they were "transferable from one person to another by being delivered with or without endorsement so that the title passes to the transferee," and at least one elaborate text in our *Code* indicates that such promissory notes could come to the Community as parts of estates of lay men that were left to it by will. In this same text the Buddha himself gives precise instructions on how the monks were to deal with them: those

that can be called in immediately should be, and the recovered money must be divided among the monks; those that cannot be should be deposited in the Community's vault and held as property in common. The redactors of our *Code*, moreover, seem to have been particularly concerned about the involvement of nuns with these negotiable contracts of debt. They present nuns as if they were litigious, and slyly accuse them of an early form of "ambulance chasing" or an Indian form of "legacy hunting." Then they frame a rule unique to the rules for nuns making it an offense for a nun to go to court to secure payment of a promissory note that had been given to her and that she held. Given the nature of our surviving sources it is of course hard to say how common any of this was, but on the hallowed principle that rules are rarely, if ever, made to govern behavior that does not occur, it is probably safe to assume that such practices did, and often enough to require regulation or attempted suppression. In regard to another form of monastic involvement with debt the picture is far clearer.

Our *Code* not only refers to monks incurring debt by borrowing and monks and nuns dealing with negotiable contracts of debt, it also *requires* both nuns and monks to create debt in others by loaning money on interest. In both its rules for nuns and its rules for monks there are accounts of donors giving sums to the Community as permanent endowments—they are called *akṣaya-nīvīs*—both for building and maintenance purposes, and for supporting the Community and paying the costs of worship. In both the nuns and monks are presented as initially hesitant or not sophisticated enough to know how to use such endowments, and as simply depositing the sums in the monastic vault, where of course they remain unproductive. In both the Buddha himself then orders the nuns and monks to lend such funds out on interest, and gives very specific instructions on how to write up a loan contract or contract for

debt. In both, finally, the issue of non-payment is directly addressed, and the Buddha is presented as taking a hard-nosed business approach, as one example will show:

> They [the nuns] lent it to the poor, but when it was not repaid it was said: "While it must not be lent to poor non-believers and lay brothers, collateral of twice the value must be deposited, and the due date too must be written down, and each month the interest portion must be collected... If a nun does not fulfill this customary rule of behavior as designated she comes to be guilty of an offense."

Lending to the poor is consistently ruled out—this is business, not charity work or social service. Fortunately, here we have further sources—actual records—to indicate how important this business was in actual monastic communities.

Although our *Code* is the only one that treats such monetary endowments and their use in any detail, there are at least thirty inscriptions from the first half of the Common Era, and from widely separated parts of the sub-continent, that record the gift of these endowments to various Buddhist communities—in at least two cases they were given to, and presumably administered by, groups of nuns. Such records can indicate the amount given, something about the interest, and how it was to be used. An example from the monastic cave complex at Kanheri says in part:

> "And a permanent endowment has been given here. And out of (the interest of) that, sixteen *kārshāpaṇas* [a coin name] are to be given (to defray the expense) for clothes to the ascetic who resides (in the cave) during the rainy season, some trifle for (his) almsbowl, and one *kārshāpaṇa* for (his) shoes, and in the season (the value) of one *kārshāpaṇa* a month to him who dwells (there). With the remainder the cave is to be kept in repair."

Given the proportionately large number of such records that we have, and the reasonably possible fact that those that have survived represent only a fraction of what there once were, it seems reasonable to suggest that lending on interest either by the monks and nuns themselves, or agents acting in their name, was a major source of revenue for actual Buddhist monastic communities spread across the sub-continent. But slightly rephrased, and using the example from Kanheri just cited, it could be said that the cost of the comfortable daily life of a monk who lived in the monastery there was carried on the backs of those in debt to that monastery—just like, it seems, the cost of the comfortable life of the Black Monks in medieval Europe was carried on the backs of the serfs who worked their land. And if the individual who took out a loan from a Buddhist monastery could be in at least some sense 'enslaved to debt,' so too could the monastery and the monk: without the indebtedness that supported them they could not prosper, and possibly not even survive. Obviously, Buddhist monks and nuns who were supported in this way would have had a more than passing interest in the laws of debt being upheld and enforced, and this interest would explain the exempla from the *Avadānaśataka* we have seen and the rules in our *Code* requiring monks and their communities to meet their obligations and pay their debts—if monks did not this would give license to those in debt to them to do the same, and thus deprive them of their livelihoods. These same considerations—and not any doctrinal matters—are almost certainly what was behind what appears to be the clearest position taken by the redactors of our *Code*, and virtually all Buddhist monastic *Codes* that are known, in regard to debt: debt rendered one unsuitable for, and barred from, full participation in the Buddhist religious life. Since in the world of Buddhist monastic *Codes* liberation in the religious sense was all but limited to those who were fully

ordained monks or nuns, a debtor was barred from it because he or she could not be ordained. In fact they could not participate in the religious life at all.

Some scholars still think that the Pāli or Theravāda monastic *Code* was the earliest Buddhist monastic *Code*, and that our *Code* was the latest, but in both of them—and in all others in seems—the ordination of a debtor was explicitly forbidden. The rule in the Pāli *Code* is delivered by the Buddha as a blanket prohibition:

> Monks—the Buddha orders—a debtor must not be admitted into the religious life (*na ... pabbājetabbo*)! Whoever would admit one commits an offense of wrong doing.

The corresponding rule in our *Code* also categorically forbids the admittance of a debtor into the religious life, although in its ordination formulary it allows it *if* the candidate formally declares that he will be able to pay the debt after he has entered the religious life. In either case the obligation to repay is upheld in the strongest possible terms: the possibility of even pursuing a religious life is entirely dependent on its being fulfilled.

Patrick Olivelle, among others, has noted this prohibition against debtors being admitted into Buddhist orders, and has very reasonably said: "One can understand the concern of the Buddhists; they did not want their monasteries to become havens for people trying to dodge debt collectors." But however reasonable, is it really that simple? Should it also not be noted that in redacting such rules and in insisting on them Buddhist monks were not just expressing a concern, but taking a position, not just attempting to avoid troublesome actions that might be taken against them, but reinforcing the notion that such actions, and the conceptions of property that they were based on, were legitimate and just. Such rules seem not to signal just passive acceptance, but active support of the laws and cultural construction of property and debt. If this were to be the case we would seem to have here a clear instance

where a radical soteriology was unable, or unwilling, to challenge a set of ideas and practices that were capable of creating real suffering and inflicting real damage to human life. Viewed from this angle the general principle of 'rendering to Caesar what is Caesar's'—to use the Christian phrasing—may have to be seen as indicating a loss, or lack, of will to confront economic and legal issues by a religious group, and the promotion of compassion and charity as a compensation for this lack of will. It is at least interesting to note that in the Christian world religious movements that directly challenged ideas of property were either co-opted and emasculated, like the Franciscans, or declared heresies and suppressed, like the Waldensians and Beguines. In India we simply do not know enough to be able to see this.

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Being in debt was not, however, the only condition that excluded one from participation in the Buddhist monastic life, and therefore from the possibility of liberation. Lacking a certain age, being in the service of the state, or being a thief and therefore under its jurisdiction also did. So too did the absence of parental permission or, in the case of a woman the lack of her husband's consent. These last requirements too were almost certainly based on, and upheld, current property law according to which both children and wives lacked independence and were the property of their father or husband—one of the most common Sanskrit terms for 'husband' is *svāmin*, which literally means "owner." Since Buddhist monastic rules did not challenge, but rather actively supported the understanding of these 'persons' as property, one could hardly expect that they would have taken a different position in regard to what in the modern West is an even more notorious form of human property: male and female "slaves." Being a "slave" also excluded an individual from access to the Buddhist monastic life and the possibility of liberation. The case of slavery would seem in fact to be a particularly

striking instance in which religious doctrines were not enough to push those who held them to think or move outside the economic and legal box that contained them.

Any discussion of slavery in early India, however, must at the outset declare that it is as yet poorly understood and bedeviled by the same sorts of problems that have proved all but intractable in discussions of slavery almost everywhere. There are a bewildering number of terms that might or might not refer to what looks like a state of slavery. There are terms that in one context appear to designate an occupation, but in another appear to refer to a type of slave. We have seen one instance of this already: in the story of the Buddha as a young prince and the plowing of his father's fields the workers are designated with the term *kārṣaka*, the ordinary word for "plowman," but both the Buddha's speech and action then make it clear that they are slaves (*dāsa*). Elsewhere, and more than once, a *preṣyadārikā*, which would seem to mean "a servant girl," refers to herself as in a state of slavery (*dāsabhāva*). Cases like this, and long lists of types of slaves in Indian sources—the *Nāradasmṛti*, for example, lists fifteen types—complicate any discussion. Then there is the fact that in modern scholarly discussion there is little or no agreement on any one definition of slavery, and the further fact that the whole issue is hedged about with concerns for political correctness and the well-known scholarly penchant to avoid at all cost calling a spade a spade (absolutely no pun intended). At a bare minimum one might be able to think of a slave as a human being who could be bought, sold, given or owned, one who was, in other words, someone else's property, and could be treated as such, all of which, be it noted, are economic and legal matters.

Any approach to the topic of slavery will then meet with obstacles, but focusing on its presentation in monastic sources might have some advantages, especially perhaps for the question of the reach of religious doctrine. At a bare minimum again, monastic groups should

be groups of men or women whose primary occupation is religious, who are assumed—rightly or wrongly—to have had more than a casual knowledge of their doctrine, and whose way of life would most closely conform to their religious values. Looking at them may tell us something about what religion can or cannot do when it comes to economics or conceptions of property. Moreover, focusing on monastic groups will provide an opportunity for a kind of comparison, and perhaps allow us to see an instance where religious groups holding very different doctrines *did* very much the same thing.

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Christian monastic sources do not seem to deal much with financial debt even though, for example, the term anchorite seems to have originally referred to one who 'withdrew' to avoid his debt or taxes, and the earliest attested use of the term 'monk' occurs in regard to a wayward cow and a claim owed for damaged property. In large part this might be explained by the fact that in most places and most periods Christian monasticisms were meant for, or attractive to, elite and wealthy men and women who would have been unencumbered by debt and found the *ideal* of voluntary poverty pleasing. Examples of the sorts of things found in our Buddhist source are, however, not wanting in Christian sources. St. Basil, himself a very wealthy man, addresses in the so-called *Shorter Rules* the issue of debt in the form of unpaid taxes and declares that if the entrant retained any property he must pay the taxes, "but if he left everything to his family before he came away, neither he nor those who received him need feel any perplexity." Cassian in his *Institutes* presents as an exemplum the account of the monk Archebius who, although he "had abandoned all his father's property" and cut all ties with his family, nevertheless paid off the debt left by his father through his labor. A papyrus document from Egypt refers to a monk who made loans at interest. At the other end of the Christian

monastic world, there is ample evidence that both small monasteries, like Locdieu in southern France, or large ones, like Cluny, were in debt, at times seriously so. But there is equally ample evidence that medieval European monasteries were heavily involved in the mortgage and loan business. Le Goff, for example, says without qualification: "Indeed, monasteries supplied most of the necessary credit until the twelfth century." These issues have not often been foregrounded by students of religion and have been largely left to hard historians, in part perhaps because much of the discussion of monasticism has been based on edifying hagiographic sources and "taxes, wills, legal disputes, and the like are hardly edifying"; and probably in even greater part because these issues did not find a place in the *Rule of the Master* or in the *Rule of Benedict*, and the latter "in particular has defined the term monasticism at least since the ninth century." The topic of slavery has suffered a similar fate.

Although the issue of admitting slaves into monastic communities is not treated in Benedict's *Rule* it is in some other Christian *Rules*, and the position taken seems to have remained more or less consistent. It is even found in much broader church 'legislation' like St. Hippolytus' *Apostolic Tradition* (2nd cent. CE) where it says "If he be the slave of a believer and his master permit him, let him hear [the word, i.e. be admitted to the Christian community]. If his master does not bear witness to him, let him be rejected." Pachomius (c. 290-346 CE) required that a candidate for entry into his community be asked if he is "under someone's authority," which Rousseau notes was "a legal question, perhaps, as much as a psychological one," and Harmless has said "is ambiguous—the 'authority' may have been a father, the military, a patron, even a slavemaster"—almost exactly the same list as is found in Buddhist sources already noted. Being under such "authority" would then disqualify the candidate from admission, and this same requirement—almost certainly lifted from Pachomius—was then

repeated in, for example, in the 6th century *Regula Orientalis.* Basil (330-377/78 CE) who, like his brother and friend—the two Gregorys—who spoke against slavery but continued to own them, himself owned slaves, and Elm thinks "some of Basil's passing remarks on the subject of slaves reveal a surprising amount of the customary contempt felt by rich owners towards their servants." In his so-called *Long Rules* he says

> "All bound slaves who flee to religious communities for refuge should be admonished and sent back to their masters in better dispositions, after the example of St. Paul who, although he had begotten Onesimus through the Gospel, sent him back to Philemon. The former he had convinced that the yoke of slavery, borne in a manner pleasing to the Lord, would render him worthy of the kingdom of Heaven."

Equally telling is the fact that the monastic leader Eustathius of Sebaste, who both influenced and alarmed Basil, was, together with his followers, condemned by the Council of Gangra (4th cent.) in its 3rd canon for encouraging slaves to run away from their masters: "If, under pretext of piety, anyone teaches a slave to despise his master and to withdraw from service and not to serve his master to the utmost with good will and all honor, let such a one be anathema." Or the attribution to Theodore, Pachomius' monastic successor, of the "power to tie down slaves with mysterious bonds so that they could not flee," or the assertion that "a master looking for a runaway slave only had to sleep on Theodore's tomb and the slave's hiding place would be revealed to him"—the same attribution and assertion are made in regard to a different (?) Theodore in a late 5th century Byzantine source, and a still later source refers to "another saint whose specialty was to uncover fugitive slaves and thieves." In regard again to monastic Rules, as late as the 7th century it is said in the *Regula Monastica Communis* of the Iberian Fructuosos of Braga:

"Monks who seek to enter the monastery by profession of religion shall first live outside the gates for three days and nights and shall be continually reproved by the monks assigned each week. After this time they shall be asked whether they are free or slaves. If they are slaves, they may not be received unless they bring with them proof that freedom has been granted by their own masters..."

This brief survey, however haphazard and ill-informed, must suffice to show that Christian monastic communities, communities that were intentionally constructed to express and implement most fully what their founders considered Christian doctrine and values, explicitly excluded slaves from participating in the religious life in a large number of widely scattered places over long periods of time, and actively upheld the notion that slaves were property. This, it seems, should be a problem even apart from any 'moral' considerations or—more for us—awkward questions of the political incorrectness of our spiritual heroes. It should be a historical problem at least: the problem of the limited reach of formal doctrine. The outlines of the problem only become more stark when it becomes clear that other monastic groups, holding very different doctrines, subscribing to very different values and anthropologies, took exactly the same position in regard to slaves.

As was the case in regard to the legitimacy of debt and upholding the obligation to repay, the redactors of our Buddhist monastic *Code* almost certainly would have had vested interests in upholding the validity of slavery and the laws of property and notions of unfree labor it was based on. Indeed they were familiar with and made rules to govern the acceptance and ownership by their monks and communities of a wide range of human unfree laborers—men, women and, notably, children. A long list of terms is used—*dāsa, dāsi, karmakara, preṣya, parivāra, kalpikāra, kapyāri, upasthāyaka, ārāmika, paścācchramaṇa,* etc.—but regardless of which

designation is used the humans involved are characterized by the fact that they can be given, received, bought or owned, and that they perform unfree labor. To pursue all of this here is not possible, but a few examples might be noted. Like debt contracts, our *Code* refers to both female and male slaves (*dāsidāsa*) as parts of lay estates that are given to the Community, and has the Buddha order that they "are not to be distributed but to be set aside as property in common for the Community." It, and the Pāli *Vinaya*, refer to the gift of a king of 500 (!) servants or slaves to the Community who are to perform repair and maintenance of the monastery, and who themselves declare "We belong to the Noble Ones [i.e. monks]"—here too the Buddha himself is made to give detailed instructions on how these 'individuals' should be treated. Our *Code* also repeatedly describes the gift of children to individual monks to whom they then belong as menials who must serve them. In specific cases these children—both boys and girls, the latter being given to nuns—can later, according to our *Code*, be "ransomed" or bought back for a sum paid by their parents or relatives. It may well be in fact that monastic groups, because they cannot biologically reproduce a work force, and because their ideals, at least, often require full time religious activity, would be particularly dependent on institutionalized forms of unfree labor like slavery or serfdom, even if that accords badly—or not at all—with their formal doctrine or anthropology. These groups, even more than others, may have had very considerable debts to slavery, and this may have been not because of, but in spite of their formal doctrines and anthropologies. The economics of survival or success—the two are often confused or conflated—may well have trumped formal doctrine. Certainly in the Buddhist case this may have to be considered in regard to the question of slavery.

Dharma, or Buddhist formal doctrine, is very widely characterized in a stenciled phrase found in a variety of sources as *ehipaśyika* (*ehipassika*), 'inviting (every man) to come and see,'

and is typically taken to assert that it is open and available to all. But according to our and every other Buddhist monastic *Code* this was strictly speaking not true—at least all men were not invited to come and *fully* see the Dharma. Debtors were not, as we have seen, and neither were slaves. Indeed, these two categories were in some ways closely connected in Buddhist monastic *Codes*, as they are frequently elsewhere.

In the Pāli *Code* the rule forbidding the admission of a debtor into the religious life is immediately followed by its rule forbidding the admission of a slave, and the language used is the same and categorical:

> Monks, a slave (*dāsa*) must not be admitted into the religious life.

In our *Code* the same thing happens only the order is reversed: the rule in regard to slaves comes first, followed immediately by that barring debtors. Here too the language is the same and categorical: "Therefore, a slave (*bran* = *dāsa*) must not be admitted into the religious life by the monks!" But the two categories are not just redactionally linked, and this is clearest in our *Code*'s ordination formulary.

In the Pāli formulary the candidate for ordination must be asked "Are you a free man (*bhujisso 'si*) and he must answer 'yes'—this, like the question in Pachomius, could be ambiguous. But the questions in the formulary in our *Code* are much more specific. There the single question of the Pāli is replaced by five questions which have been completely misunderstood by some. The candidate there must be asked:

> Are you a slave (*dāsa*) by birth?
>
> Are you one who was carried off by force from another kingdom?
>
> Are you one who was given by way of a surety or collateral for a loan?

Are you one who after having taken out a loan later, when no other means remain, declares himself a slave?

Are you one who has been obtained by sale?

The candidate must of course answer 'no' in each case.

Notice that in two cases the lack of freedom (i.e., status as property) is connected with debt—in one case the individual is pawned by his owner to secure a loan; in another the individual in effect sells himself to pay his own debt. Notice the legal sophistication of these categories: this is exactly what one might expect of rules regarding slavery that were framed by a group embedded in a world where classical Indian law was the norm or even partially operational. Indian legal texts, from the very start, take slavery as a given and in many cases treat it in great detail—the *Nāradasmṛti*, as already noted, lists as many as fifteen types or categories of slaves. Indeed, although the questions required by our *Code* are—like all its contents—attributed to the Buddha himself, they are much more like, in both language and content, what occurs in Indian legal texts, and have no noticeable connection with Buddhist doctrinal assertions: all of what this Buddha said may not have been of his own devising, and this apparent disconnect with Buddhist doctrine may be confirmed by a simple comparative fact. The formal doctrine and religious anthropology of St. Bail or Fructuosos, and the formal doctrine and anthropology of those Buddhist masters who compiled our *Code*, could probably not be more different, and yet the position each took in regard to the admission of slaves into their religious groups could probably not be more similar. In fact they would seem to be exactly the same. In terms of what religious doctrine can and cannot do this should be sobering. It cannot, apparently, challenge the concept of debt or the seemingly unshakable support everywhere of the obligation to pay what one owes. And it cannot, apparently,

challenge conceptions of property and ownership, even when the thing owned might otherwise be considered human. These were matters of law and economics long before either Basil and our Buddhist monks, and neither, it seems, could afford—in several senses—to do anything about it.